

From: [Rickelman, Magdalena](#)
To: [Anne Foster/R6/USEPA/US@EPA](#); [Amy Salinas/R6/USEPA/US@EPA](#)
Cc: [John F. Cermak \(jcermak@bakerlaw.com\)](#); [singlin@bakerlaw.com](#); [Axe, Al](#)
Subject: San Jacinto River Waste Pits Superfund Site - Response to EPA on SJRF Issues (Exhibits) (Email 2 of 5)
Date: 01/02/2013 04:31 PM
Attachments: [San Jacinto - Exhibit 3-Part 1.pdf](#)

Dear Ms. Foster and Ms. Salinas,

Attached please find Exhibit 3 - Part 1.

Magdalena Rickelman

Legal Secretary to Al Axe, Keith Courtney,

Lisa Dyar and Dawn Norman

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701

512.370.2941 *direct* | 512.370.2850 *fax* | mrickelman@winstead.com | www.winstead.com

From: Axe, Al
Sent: Wednesday, January 02, 2013 4:14 PM
To: 'foster.anne@epa.gov'; salinas.amy@epa.gov
Cc: John F. Cermak (jcermak@bakerlaw.com); singlin@bakerlaw.com
Subject: San Jacinto River Waste Pits Superfund Site - Response to EPA on SJRF Issues

Anne and Amy,

Thank you for the opportunity to comment on the revised work plan dated June 12, 2012 that was submitted to EPA on behalf of San Jacinto River Fleet ("SJRF"). On behalf of Respondents, I submitted a letter to Jessica Hernandez dated March 8, 2012 that described Respondents' concerns regarding SJRF's activities. That letter also included comments, prepared by Respondents' consultant, Anchor QEA ("Anchor"), regarding the initial work plan that was submitted to EPA on behalf of SJRF. A copy of the March 8, 2012 letter (with Exhibit 1 thereto) is attached for your reference. The comments prepared by Anchor were attached as Exhibit 1 to the letter, and are discussed on pages 1 and 2 of the letter. The other exhibits to the March 8, 2012 letter will be forwarded in separate emails due to their length.

The revised work plan does not address or respond to the concerns identified in the letter or in Anchor's comments. A fundamental concern about SJRF's work plan was that the work contemplated by it would not be sufficient to assess the extent of the harm and impacts associated with SJRF's operations, both in the past and the future. The revised work plan does not provide for such an assessment; it focuses (as did the initial draft of the work plan) on areas in which SJRF is considering placing pilings for their operations and fails to address concerns related to sediment disturbances already created by propeller wash from SJRF's operations.

Respondents therefore request that EPA require that SJRF revise its work plan to



9549510

address the concerns identified in the March 8, 2012 letter and in the Anchor comments attached as Exhibit 1 to that letter.

Thank you for your consideration of this matter. Al

Albert R. Axe, Jr.

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701

512.370.2806 *direct* | 512.370.2850 *fax* | aaxe@winstead.com | www.winstead.com

profile link: <http://www.winstead.com/Attorneys/aaxe>

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

Information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

--